

REMARKS

Claims 1-7 were pending of which Claims 1-7 were rejected. Reconsideration is respectfully requested.

Claim 1 has been amended to change “connected between” to “connected to” thereby broadening the scope. No new matter has been added.

Drawings

Figs. 1 and 2 were objected to as the legend should include a designation, such as Prior Art. Figs. 1 and 2 have been changed accordingly.

Specification

The specification has been amended to improve grammar and remedy typographical errors. No new matter has been added.

Claim Rejections – 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 5,854,792 issued to Konishi et al (“Konishi”) in view of US Patent No. 6,658,015 issued to Merchant et al. (“Merchant”). Reconsideration is respectfully requested.

Claim 1 is directed to “[a] gateway apparatus” that performs “communication between wide area networks (WAN) to local area networks (LAN) and specifically recites “a plurality of input/output ports for connecting said WAN with said LAN”. Moreover, Claim 1 recites “a central processing unit for processing said packets stored in said memory device, and organizing said medium access control units to change said input/output ports according to a required transporting path, thereby performing said communication between said LAN and said WAN.” Konishi, on the other hand, is directed to a “network connection apparatus” such as a LAN or a WAN. See, e.g., col. 1, lines 5-11 and col. 2, lines 29-31. The plurality of input/output ports disclosed in Konishi are used exclusively for connecting the LANs to each other or to connect WANs together. Col. 5, lines 1-4. Konishi does not teach or suggest a system in which LANs and WANs are connected together nor does it teach or suggest “a plurality of input/output ports for connecting said WAN with said LAN” as recited in Claim 1.

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Amendment to the Drawings:

The attached sheets of drawings includes changes to the legends of Figs. 1 and 2. These sheets, which includes Figs. 1-2, replace the original sheets including Figs. 1-2.

Attachment: Replacement Sheets (2 sheets)

Annotated Sheets showing changes (2 sheets)

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Claim 1 further recites “a buffer device for accessing packets, wherein a transporting path of said packets is selected from one of sending said packets from said WAN to said LAN and sending said packets from said LAN to said WAN”. Konishi, on the other hand, discloses a plurality of “buffers 17a-17n dedicated to the LANs 1a-1n, respectively, and each having a minimum memory capacity necessary for temporarily storing the transmission frame 6 output from a corresponding LAN.” Col. 8, lines 53-57. Konishi also discloses a plurality of LAN control sections 8a-8m. Thus, Konishi fails to teach or suggest the use of a buffer device as recited in Claim 1.

Merchant fails to make up for the deficiencies of Konishi. Moreover, Claim 1 also recites “a plurality of medium access control units corresponding to said input/output ports and electrically connected between said buffer device and said input/output ports for performing an accessing operation between said buffer device and said input/output ports”. Applicant submits that Merchant, on the other hand, discloses a “media access control (MAC) module 20 that transmits and receives data packet to and from 10/100 Mb/s physical layer (PHY) transceivers 16 via respective shared media independent interfaces (MII) 18.” Thus, Merchant teaches that only one media access control module is connected to a plurality of input/output ports. Accordingly, Merchant fails to teach or suggest “a plurality of medium access control units corresponding to said input/output ports” as recited in Claim 1.

Claim 1 also recites a “central processing unit for processing said packets stored in said memory device, and organizing said medium access control units to change said input/output ports according to a required transporting path”. Merchant, however, teaches that the “multiport switch 12 contains a decision making engine 40 that performs frame forwarding decisions.” Col. lines 21 to 34. Because the engine 40 in the multiport switch 12 performs the frame forwarding decisions, the CPU 32 in Merchant is not “processing said packets stored in said memory device, and organizing said medium access control units to change said input/output ports according to a required transporting path” as recited in Claim 1.

Accordingly, even when combined, Konishi and Merchant fail to teach all the limitations of Claim 1. Additionally, Applicant submits that the stated motivation to combine Konishi and Merchant is inadequate. The Examiner stated that it would have been obvious “to combine the ideas of Konishi et al. (U.S. Patent No. 5854792) and Merchant et al. (Patent No. 6658015) in order to achieve a general purpose network connection apparatus capable of

increased data throughput, performing high speed data transmission and enhancing the reliability of the transmission.”

It is black letter law that in order to establish a prima facie case of obviousness, the Examiner must provide objective evidence to combine references. In re Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). In addition, the case law is clear that the articulation of the motivation to combine references must be specific. Id., and see In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (“teachings of references can be combined only if there is some suggestion or incentive to do so”) (emphasis in original) (quoting ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)). “Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.” In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Applicant submits that a suggestion or motivation to “combine ideas” “to achieve a general purpose network connection apparatus capable of increased data throughput, performing high speed data transmission and enhancing the reliability of the transmission” is inadequate to support an obviousness rejection. For example, it is not clear how or why making the Examiner’s suggested combination would result in “a general purpose network connection apparatus capable of increased data throughput, performing high speed data transmission and enhancing the reliability of the transmission”. Applicant submits that such a combination would not be obvious to one of ordinary skill in the art without the use of hindsight.

Thus, Applicant respectfully submits that independent Claim 1 is patentable over the combination of Konishi and Merchant. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 2-7 depend from Claim 1 and are, therefore, likewise patentable.

Claims 1-7 remain pending. For the above reasons, Applicants respectfully request allowance of Claims 1-7. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 982-8202.

**Via Express Mail Label No.
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Respectfully submitted,



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Reply to Office action of September 10, 2004/11/30
Annotated Sheet Showing Changes

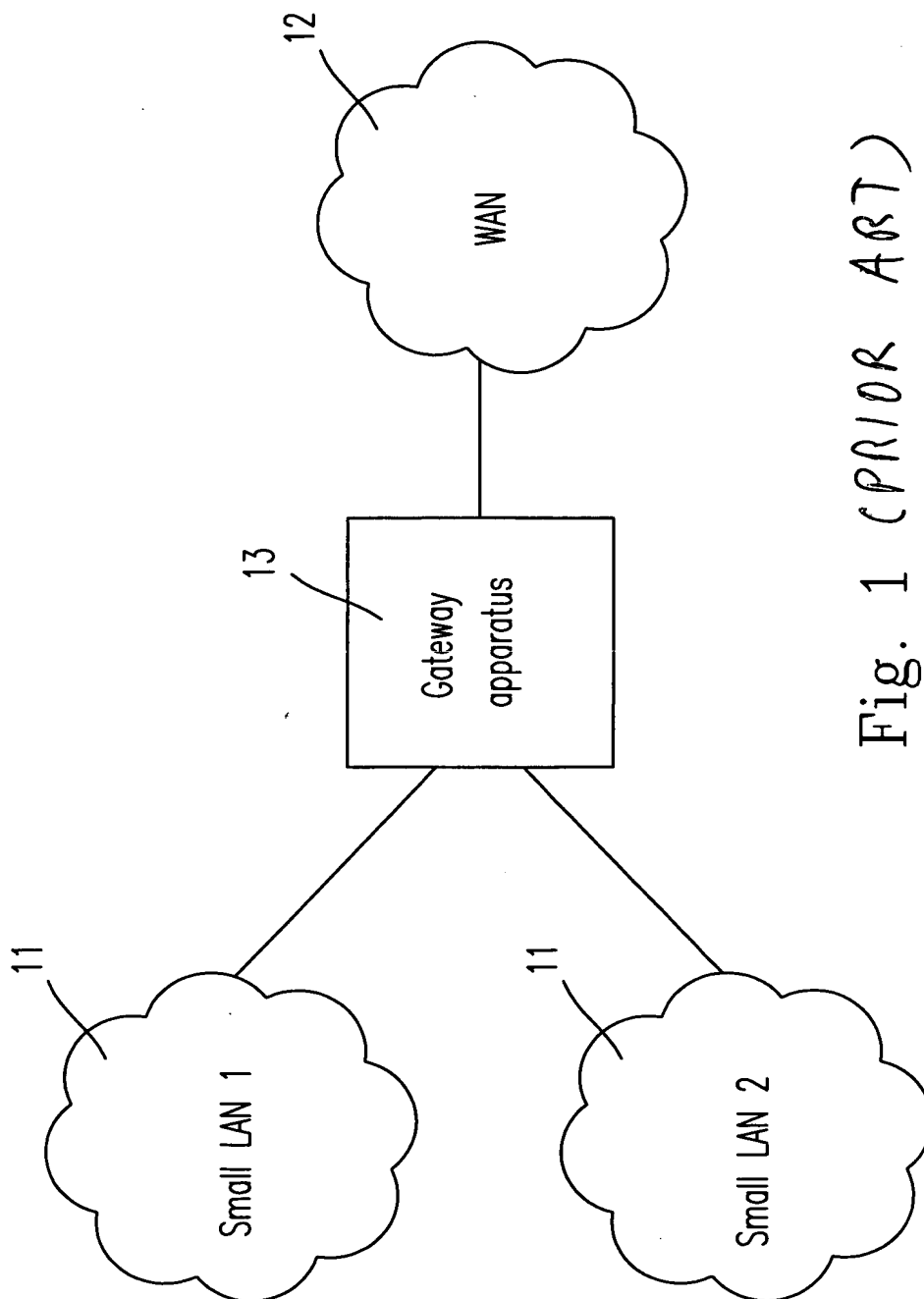


Fig. 1 (PRIOR ART)

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Annotated Sheet Showing Changes

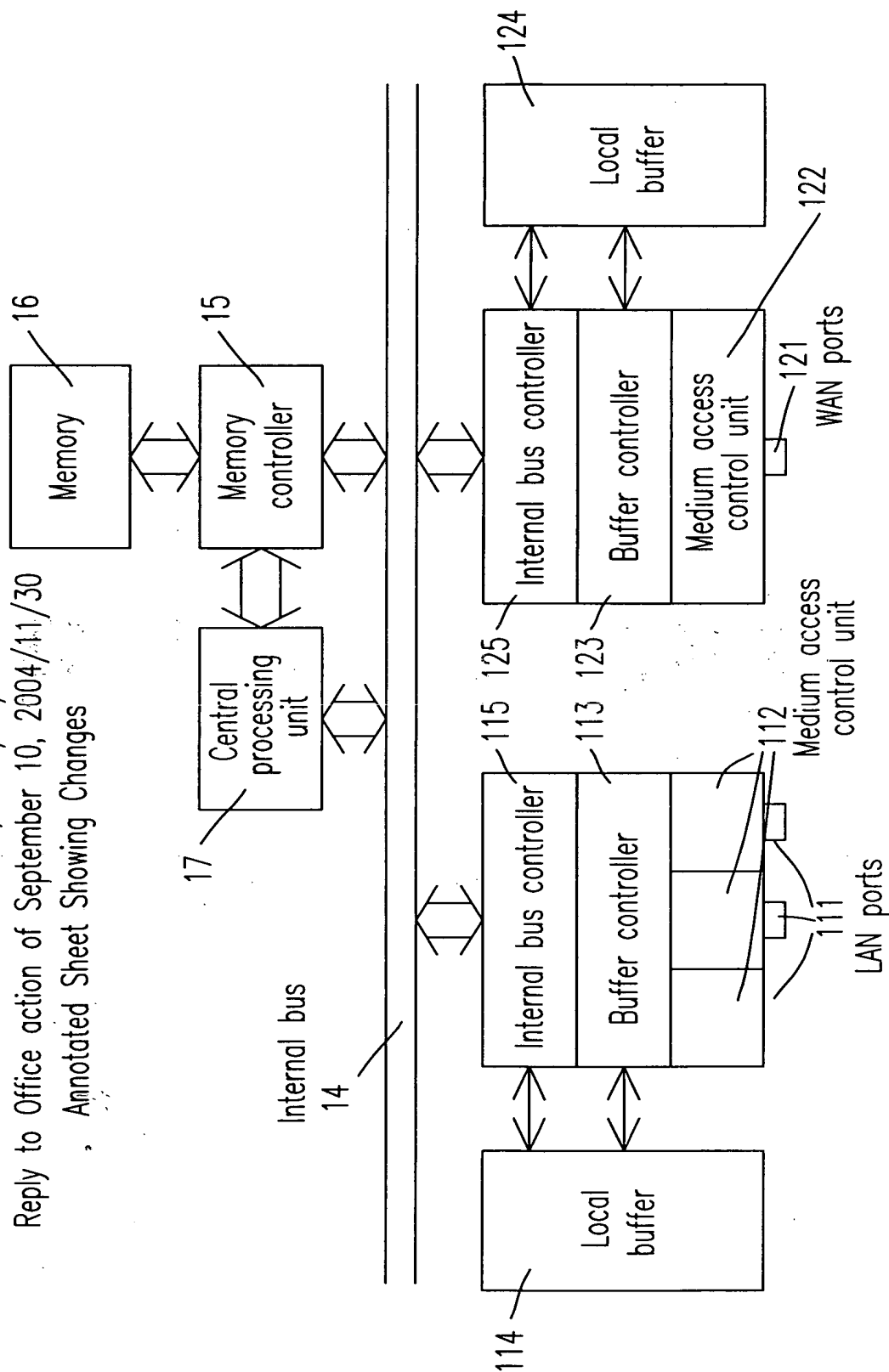


Fig. 2 (PRIOR ART)